(G.C.P.)J 455 (5,00,000)-11.2001) Spl-H.C.,A.S.,C.D.,78e

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.2836 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions and Registrar's order.	Court's or Judge's orders

Shri Amit Borkar for the petitioner.

Shri Anilkumar Patil for the respondent.

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CORAM: R.M.S.KHANDEPARKAR, J

DATED: 5th October, 2006.

P.C.

1. Heard. Both the authorities have arrived at the concurrent findings about illegal construction by the petitioner and that the construction having been carried out without permission of the Council as well as Collector inspite of the fact that the land in question does not belong to him, the same being allotted to the society and the petitioner has merely possessory right. The concurrent findings also disclose that in the course of construction, the petitioner had encroached upon the land which he is not entitled to possess.

2. In the background of these facts and the findings which are clearly borne out from the record, there is no case made out for interference in the impugned order in exercise of writ jurisdiction under Article 227 of the Constitution of India so also there being no jurisdictional error by the courts below, the petition is rejected.

3. Ad-interim relief stands vacated.

(R.M.S.KHANDEPARKAR, J)